

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.04.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 9209 of 2019

Kancherla Ramalingeswara Veerraju
S/o. K.Lakshmana Murthy
D.No.04-03-010, Ravindra Nagar
Yanam, Puducherry UT - 533 464.

... Petitioner

Vs.

1. Union of India
The Government of Puducherry
Rep. by its Chief Secretary
Chief Secretariat, Goubert Avenue
Puducherry - 605 001.
2. The Chief Town Planner
Town and Country Planning Department
Jawahar Nagar, Bhoomianpet
Reddiarpalayam, Puducherry - 605 005.
3. The Member Secretary
Yanam Planning Authority
Yanam, Puducherry UT - 533 464. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 to pass necessary orders to reclassify the land zone owned and enjoyed by the Petitioner herein from Industrial Zone into Commercial Zone measuring about 5800 sq.mts. of land comprised in T.S.No.A/8/16/4 and T.S.No.A/8/16/4pt situate in Industrial zone, Mettacur, Yanam, Puducherry UT as the Government has already accorded approval to the property lying in the immediate vicinity of the Petitioner's property; and the Petitioner is a similarly placed person seeking approval for conversion of land zone.

For Petitioner : Mr. S.Venkata Krishna Kumar

For Respondents : Mr. Stalin Abimanyu (For R1 to R3)
Additional Government Pleader (Pondy)

ORDER

Heard Mr. S.Venkata Krishna Kumar, Learned Counsel for the Petitioner and Mr. Stalin Abimanyu, Learned Additional Government Pleader (Pondicherry) appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2.This Writ Petition has been filed for a direction to the Respondents to pass necessary orders with regard to reclassify the petitioner's land measuring about 5800 sq.mts. comprised in T.S.No.A/8/16/4 and T.S.No.A/8/16/4pt situated in Mettacur, Yanam, Puducherry UT, from Industrial Zone into Commercial Zone.

3.According to the Petitioner, he owns a piece of industrial land measuring to an extent of 5800 sq.mts in T.S.No.A/8/16/4pt located at Mettakur, Yanam. He purchased the said extent along with 23 others, who are all traders in Yanam Township, for the purpose of overcoming the difficulty in handling the materials such as loading and unloading the same and to have a congenial trading atmosphere. So, he submitted an application in Form V (Rule 66) to the third respondent on 09.11.2015, for reclassification of the land from Industrial to Commercial -cum- Residential Zone. Subsequently, he made further representation dated 28.01.2016 to the second respondent to consider his request and pass necessary orders for conversion and reclassification of the land. However, till date, no order was passed. Stating that in the given circumstances, the respondent authorities already granted approval to the property lying in T.S.No.A/2/17/1A and A/2/17/1Bpt in the vicinity of the petitioner's land and hence, the same benefit may be extended to him, the petitioner has filed this writ petition for the aforesaid relief.

4.Upon notice, the Respondents filed a Counter Affidavit, paragraphs 11 and 16 of which read as follows:-

"11. I submit that the above recommendations of the Sub-Committee was placed before the Town and Country Planning Board and the Board also recommended the proposal. The Government was then requested to issue necessary orders to call public objection over the above proposal. But the same is not issued so far, but I submit that the Government of Puducherry has directed the Town and Country Planning Department on the similar other requests for land use conversion in Yanam region that the conversion of land use may be made as part of the Comprehensive Master Plan and such conversion done on case to case basis may not be conducive for the preparation of the Comprehensive Master Plan.

Accordingly, as per the orders of the Government, the appellant, the Petitioner herein, vide letter No. 6472/TCP/Board/J(D)/2017/342 dated 28.02.2018 was informed that the request for land use conversion of the land bearing T.S.No. A/8/16/4pt in Mettacur, Yanam from "Industrial Use" to "Commercial use" will be examined while formulating proposals in the Comprehensive Development Plan for Yanam."

"16. I submit that the Town and Country Planning Development, Puducherry has already initiated action for review of Comprehensive Development Plan for Yanam Region through private consultants. The award of work / tender for preparation of GIS based Master Plan is under process for approval of Government. Once orders are issued by the Government, preparation of the Review of Comprehensive Development Plan will be started and the land use of Yanam region will be reviewed comprehensively while formulating proposals during the preparation of Master Plan for Yanam region."

5. In the light of the averments made in the counter affidavit filed by the respondents and taking note of the fact that the petitioner already filed application / appeal on 09.11.2015 before the Third Respondent for reclassification and conversion of the subject land, this Court, without going into the merits of the case, directs the respondents 2 and 3 to consider the application / appeal submitted by the petitioner dated 09.11.2015 and pass appropriate orders, on merits and in accordance with law, and also on the basis of the report, if any, filed by the competent authority, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Maya
To

1. The Chief Secretary
Chief Secretariat, Goubert Avenue
Puducherry - 605 001.

2. The Chief Town Planner
Town and Country Planning Department
Jawahar Nagar, Bhoomianpet
Reddiarpalayam, Puducherry - 605 005.

3. The Member Secretary
Yanam Planning Authority
Yanam, Puducherry UT - 533 464.

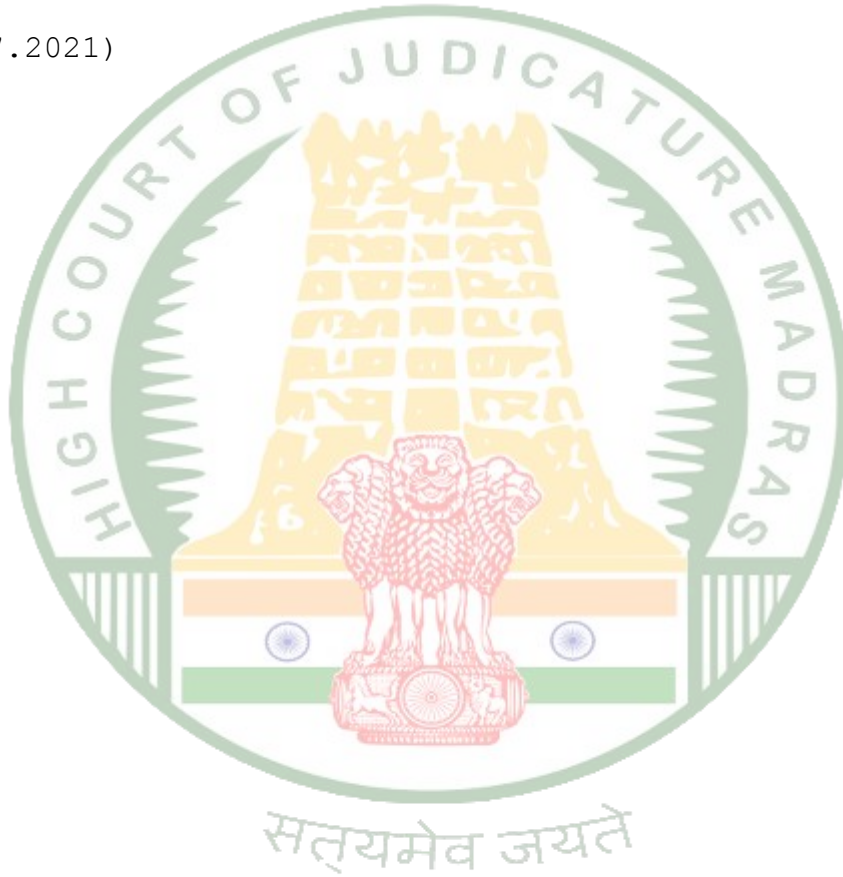
+1 cc to Government Pleader Puducherry Sr.No. 25121

+1cc to Mr.Doraisamy, Advocate SR.No. 24561

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MG(CO)

A.SK(08.07.2021)



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